

CHAPTER 7

CLEAN WATER ASHORE

7-1 Scope

7-1.1 This chapter identifies requirements and responsibilities for the control and prevention of surface water pollution, and ground water pollution related to Underground Injection Control (UIC) at Navy shore facilities within the United States, Commonwealth of Puerto Rico, Canal Zone, Virgin Islands, Commonwealth of the Northern Mariana Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Refer to Chapter 18 for information on Navy activities in foreign countries and Chapter 19 for information on ship discharges.

7-1.2 References. Relevant references are:

- a. 33 USC § 1251 *et seq.* (40 CFR Parts 100-136, 140, 230-233, 401-471, and 501-503), Federal Water Pollution Control Act (known as the Clean Water Act (CWA));
- b. E.O. 12088, Federal Compliance with Pollution Control Standards;
- c. 40 CFR 130, Water Quality Planning and Management (TMDLs);
- d. 40 CFR 122-123 (33 USC §402), National Pollutants Discharge Elimination System (NPDES) Program;
- e. 40 CFR 403 & 405-471 (33 USC §301-303, and §307-309), Environmental Protection Agency (EPA) General Pretreatment Standards and Effluent Limits for Point Source Categories;
- f. 40 CFR 122 (33 USC §402), Stormwater Discharges;
- g. 42 USC §6901 *et seq.* (40 CFR Parts 240-282), Resource Conservation and Recovery Act;
- h. 42 USC §6939e, Federal Facilities Compliance Act of 1992;
- i. 40 CFR 501, State Sludge Management Program Regulations;
- j. 40 CFR 230-231 (33 USC §403-404), Dredged or Fill Permits;
- k. 33 USC 1329, Section 319 Nonpoint Source Management Program;
- l. 16 USC §1451 *et seq.*, Coastal Zone Management Act of 1972.

7-2 Legislation

7-2.1 Coastal Zone Management Act (CZMA), 16 USC §1451 *et seq.* Administered by the National Oceanic and Atmospheric Administration (NOAA) of the Department of Commerce, the CZMA provides grants to promote development and management programs whose goal is the achievement of wise use of the land and water resources of the coastal zone. State CZMA programs are to protect natural resources;

manage development in high hazard areas; manage development to achieve quality coastal waters; have orderly processes for the siting of major facilities; locate new commercial and industrial development in or adjacent to existing developed areas; provide public access for recreation; redevelop urban waterfronts and ports, and preserve and restore historic, cultural, and esthetic coastal features; simplify and expedite governmental decision-making actions; coordinate State and Federal actions; give adequate consideration to the views of Federal agencies; ensure that the public and local government have a say in coastal decision-making; and comprehensively plan for and manage living marine resources.

Under the CZMA, Federal actions that affect any land or water use or natural resource of the coastal zone must be consistent with the State program to the maximum extent practicable.

7-2.2 Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), 33 USC §1251 *et seq.* The purpose of the CWA (reference (a)) is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. To accomplish these goals, each State is required to establish water quality standards for its surface waters based on designated uses. Under CWA Section 303(d), each State is to submit to EPA a list of surface waters that are not meeting their water quality standards. For these "impaired" waterbodies, each State is supposed to develop Total Maximum Daily Loads (TMDLs), which are the amount of pollutants that can be assimilated by a body of water without exceeding the water quality standards. Based on the developed TMDLs, the States or EPA would limit any discharge of pollutants to a level sufficient to ensure compliance with State water quality standards. Direct discharges of pollutants to the waters of the United States are regulated by National Pollutant Discharge Elimination System (NPDES) permits issued by EPA or under State NPDES programs approved by EPA. This includes discharges of storm water from municipal separate storm sewer systems, industrial areas, and construction sites greater than or equal to one acre. Nonpoint sources of pollution are to be managed through State or local controls. Indirect industrial discharges of effluent to publicly owned treatment works (POTWs) are subject to pretreatment standards promulgated by EPA.

The CWA prohibits spills, leaks or other discharges of oil or hazardous substances into waters of the United States in quantities that may be harmful, which includes discharges of oil that:

- a. Violate applicable water quality standards; or
- b. Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The Oil Pollution Act of 1990 (OPA 90) amended the CWA to expand oil spill prevention activities, improve preparedness and response capabilities, and ensure that companies are responsible for damages from spills. The CWA also requires a permit for the discharge of dredged or fill materials into waters of the United States.

7-2.3 Marine Protection, Research and Sanctuaries Act (MPRSA) (Ocean Dumping Act), 33 USC §1401 *et seq.* The MPRSA requires the protection of contiguous zone waters from sewage sludge discharges and direct dumping, and through an ocean dumping permit program, provides procedures for the intentional disposal and/or abandonment of material into ocean waters.

7-2.4 Rivers and Harbors Act of 1899 (RHA), 33 USC §401 *et seq.* The RHA regulates the disposal of refuse and debris into the rivers and harbors of the U.S. and makes it illegal to create any obstruction to navigable waters without the approval of the Army Corps of Engineers (COE). EPA, COE, and States regulate dredge and fill operations and dredge/fill material disposal. EPA establishes criteria and guidelines to protect the nation's waters from contamination by dredged or fill material. The COE and some States

administer permit programs for dredge and fill operations in waterways and wetlands, and for construction activities in navigable waters.

7-2.5 Safe Drinking Water Act (SDWA), 42 USC §300f *et seq.* The SDWA requires EPA to set national primary drinking water standards and provides for the direct control of underground injection of fluids that could potentially affect groundwater supplies. States usually assume the predominant role in executing groundwater protection programs. EPA has direct responsibility only if a State chooses not to participate in the underground injection control program. As amended in 1996, SDWA Section 1447(a) provides that Federal agencies “1) owning or operating any facility in a wellhead protection area; 2) engaged in any activity at such facility resulting, or which may result, in the contamination of water supplies in any such area; 3) owning or operating any public water system; or 4) engaged in any activity resulting, or which may result in, underground injection which endangers drinking water” shall be subject to and comply with all substantive and procedural Federal, State, interstate, and local requirements to the same extent as any person.

7-2.6 Section 108 of the Federal Facilities Compliance Act (FFCA) of 1992, 42 USC §6939e. Section 108 of the FFCA amended Subtitle C of the Solid Waste Disposal Act (42 USC §6901 *et seq.*) to establish when solid or dissolved material introduced by a source into a Federally Owned Treatment Works (FOTW) is not considered a solid waste. An FOTW is not required to satisfy the requirements of Section 108 if it decides to manage its influent as a solid waste. However, an FOTW that has decided to take advantage of a domestic sewage exclusion similar to that enjoyed by POTWs must meet the statutory requirements of Section 108.

7-3 Terms and Definitions

7-3.1 Aquatic Sediment. Sediment underlying the navigable waters of the United States.

7-3.2 Contiguous Zone. The belt of seas, 9 nautical miles wide, that is adjacent to and seaward of the territorial seas of the United States and was declared to exist in Department of State Public Notice 358 of June 1, 1972, 37 FR 11906.

7-3.3 Discharge. Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping of any pollutant, but excludes certain cases under CWA Section 402.

7-3.4 Discharge of a Pollutant

a. Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or

b. Any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger."

7-3.5 Direct Discharge. A discharge of a pollutant directly into the waters of the United States.

7-3.6 Discharge of Dredged Material. Any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. The term includes, but is not limited to, the following:

- a. The addition of dredged material to a specified discharge site located in waters of the United States;
- b. The runoff or overflow, associated with a dredging operation, from a contained land or water disposal area; and
- c. Any addition, including redeposit other than incidental fallback, of dredged material, into waters of the United States which is incidental to any activity, including mechanized land clearing, ditching, channelization, or other excavation.

7-3.7 Dredge and Fill Operations. Dredge and fill operations encompass construction or other work involving excavation or discharge of dredged or fill material in waters of the U.S.

7-3.8 Federally Owned Treatment Works (FOTWs). A treatment works owned and operated by the Federal government. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the FOTW. FOTWs that discharge treated effluent directly to waters of the U.S. are "treatment works." FOTWs that discharge pretreated effluent to another treatment works for final treatment and ultimate discharge to waters of the U.S. are "pretreatment works" (FOPTWs).

7-3.9 Indirect Discharge. A nondomestic discharger introducing pollutants to a publicly owned treatment works or a federally owned treatment works.

7-3.10 Internal Waters and Inland Water

- a. "Internal waters" and, except as provided in paragraph (b) of this section, "inland waters" mean:
 - (1) With respect to the U.S., the waters shoreward of the territorial sea baseline.
 - (2) With respect to any foreign country, the waters shoreward of the baseline of its territorial sea, as recognized by the U.S.
- b. "Inland waters" as used in the CWA, means the waters shoreward of the lines of demarcation described in the International Regulations for Preventing Collisions at Sea (72-COLREGS), except the Great Lakes and the connecting and tributary waters as far east as Montreal, the waters of the Mississippi River between its source and Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

7-3.11 National Pollutant Discharge Elimination System (NPDES). A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the CWA. The term includes an approved program. NPDES programs are either EPA or State programs. State programs must be approved and authorized by EPA.

7-3.12 Navigable Waters of the United States (Navigable Waters, Territorial Waters). Except as provided in paragraph 7-3.21(b) of this section, "navigable waters of the United States," "navigable waters," and "territorial waters" are defined to include the following, except where Congress has designated them not to be navigable waters of the U.S:

- a. Territorial seas of the U.S.
- b. Internal waters of the U.S. that are subject to tidal influence
- c. Other waters over which the Federal government may exercise constitutional authority; and
- d. Internal waters of the U.S. not subject to tidal influence that:

(1) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or

(2) A governmental or authorized non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, highways for substantial interstate or foreign commerce.

7-3.13 Navy-Owned Treatment Works (NOTW). A treatment works owned by a Department of Navy (DON) activity. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the NOTW. NOTWs that discharge treated effluent directly to waters of the U.S. are "treatment works." NOTWs that discharge pretreated effluent to another treatment works for final treatment and ultimate discharge to waters of the U.S. are "pretreatment works" (NOPTWs).

7-3.14 Nonpoint Source Discharges. Any discharges to waters of the U.S. that are not point source discharges.

7-3.15 Operator Certification. A program where a manager or operator is required by a State to complete necessary training and/or operational requirements to obtain a license or certificate to operate or manage a wastewater treatment facility. The requirements for certification vary with the State in which the wastewater treatment facility is located.

7-3.16 Point Source. Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

7-3.17 Pollutant. Includes dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive materials (other than those regulated as source, by-product, or special nuclear material (SNM) under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

7-3.18 Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly owned treatment works.

7-3.19 Publicly Owned Treatment Works (POTW). Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or a municipality. This definition includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW providing treatment.

7-3.20 Storm Water. Precipitation that accumulates in natural and/or constructed storage and storm water systems during and immediately following a storm event. Examples include storm water runoff, surface water runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage related to storm events or snow melt.

7-3.21 Territorial Seas of the United States

a. With respect to the U.S., "territorial seas" means the waters within the belt, 3 nautical miles wide, that are adjacent to its coast and seaward of the territorial sea baseline.

b. With respect to any foreign country, "territorial seas" means the waters within the belt that are adjacent to its coast and whose breadth and baseline are recognized by the United States.

7-3.22 Territorial Sea Baseline. The delimitation of the shoreward extent of the territorial seas of the United States drawn according to the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, as recognized by the United States.

7-3.23 Toxic Pollutant. Any pollutant listed as toxic under Section 307(a)(1) or, in the case of "sludge use or disposal practices," any pollutant identified in regulations implementing Section 405(d) of the CWA.

7-3.24 Treatment Works. Any domestic or industrial wastewater treatment devices or systems, regardless of ownership (including Federal facilities, such as FOTWs and NOTWs), used in the storage, treatment, recycling, and reclamation of domestic and industrial wastewater (including land dedicated for the disposal of associated sludge).

7-3.25 Treatment Works Treating Domestic Sewage. A POTW or any other sewage sludge or wastewater treatment device or system, regardless of ownership (including Federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works. In States where there is no approved State sludge

management program under Section 405(f) of the CWA, EPA Regional Administrator may designate any person subject to the standards for sewage sludge use and disposal as a "treatment works treating domestic sewage," where he or she finds that there is a potential for adverse effects on public health and environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance.

7-3.26 Waters of the United States

- a. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide;
- b. All interstate waters, including interstate "wetlands;"
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;
 - or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- d. All impoundments of waters otherwise defined as waters of the United States under this definition;
- e. Tributaries of waters identified in paragraphs (a-d) of this definition;
- f. The territorial sea; and
- g. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a-f) of this definition.

7-4 Requirements

7-4.1 General

- a. As required by E.O. 12088 (reference (b)) and the CWA, Navy facilities will comply with all substantive and procedural requirements applicable to point and nonpoint sources of pollution. These requirements include Federal, State, interstate, and local laws and regulations respecting the control and abatement of water pollution such as load reduction requirements resulting from the development of Total Maximum Daily Loads (TMDLs) for impaired waterbodies (reference (c)). Navy facilities must comply in the same manner and to the same extent as any nongovernmental entity, including the payment of reasonable service charges.

b. The discharge of any pollutant that does not comply with effluent standards or other procedural requirements is unlawful. The discharge of radiological, chemical or biological warfare agents or low level radioactive waste is prohibited.

7-4.2 Point Source Control

a. **Discharge Permits.** Permits are required for all point source discharges to waters of the U.S. (reference (d)). Discharges must comply with all terms or conditions of EPA, State, or locally issued permits. For all discharge points in States that have an EPA-approved NPDES program for Federal facilities, permits must be requested from the applicable State environmental agency. For all discharge points in States that do not have authority to issue NPDES permits for Federal facilities, permits must be requested from EPA. If a State has a non-NPDES clean water permit program, permits must be obtained from both the State and EPA. All monitoring records must be retained as required by Federal, State and local regulations.

b. **Industrial Wastewater Treatment/Pretreatment.** Industrial wastewater discharges from Navy facilities may be subject to Federal categorical treatment or pretreatment standards (reference (e)), or other applicable standards as established by State, county and local regulations.

c. **Discharges to NOTWs and POTWs.** Indirect discharges to NOTWs and POTWs will meet all applicable Federal general and categorical pretreatment standards (reference (e)) and any State, county, and local permit requirements.

d. **Storm Water Discharges.** Storm water discharges must meet all applicable Federal, State and local permit requirements. Storm water discharges are a major contributor to surface water quality impairment. Significant sources of storm water discharge include urban (facility) runoff, industrial activity, and construction. These types of storm water discharges are either regulated under Phase I or Phase II of the CWA Storm Water Program. Phase I applies to municipal separate storm sewer systems (MS4s) serving a population over 100,000, as well as storm water discharges associated with regulated industrial activities as defined in the storm water regulations, including construction activities disturbing 5 acres of land or more. Phase II applies to MS4s serving a population less than 100,000 in an "urbanized area" and construction activities disturbing at least 1 but less than 5 acres of land. Storm water discharges are regulated as part of individual NPDES permits or under general group permits. Refer to reference (f), §122.26 (a), for information on the types of storm water discharges that are regulated. Refer to reference (f), §122.34(b)(3)(iii), for information on non-storm-water discharges such as water line flushing, lawn watering, fire fighting activities.

e. **Hazardous Pollutant Discharges.** Hazardous waste may be introduced into a treatment facility only if the facility is specifically permitted to treat the type of waste introduced under a Resource Conservation and Recovery Act (RCRA) Treatment, Storage and Disposal (TSD) permit, or a "permit by rule" (reference (g)). The Federal Facilities Compliance Act (reference (h)) provides FOTWs with the same domestic sewage exclusion provided to POTWs, if there are reasonable sets of controls on the discharges into the FOTW.

f. **Sludge Disposal.** Discharge, treatment or incineration of treatment plant sludge must meet applicable Federal, State and local requirements which are incorporated into permits issued under CWA §402, under the appropriate provisions of other legislation (e.g. RCRA, SDWA, MPRSC, or CAA), under EPA-approved State sludge management programs, or, in a sludge-only permit (see reference (i)).

g. **Waste Disposal Sites.** Surface water runoff and leachate from waste disposal sites will conform to applicable requirements specified for disposal of solid waste (Chapter 14) or hazardous waste (Chapter 12).

7-4.3 Groundwater Protection. Discharges to groundwater must meet applicable requirements of the SDWA, the CWA, State, and local implementing requirements, and applicable permit conditions. Additional information on SDWA's Underground Injection and Wellhead Protection Program can be found in Section 8-4.2.16 of Chapter 8.

7-4.4 Dredge and Fill Operations

a. **Permits.** Applications must be made to the U.S. Corps of Engineers (COE) for: a) a permit to construct a structure in, or to otherwise alter or modify, navigable waters or wetlands, b) dredge operations, including maintenance dredging, and c) dredge disposal unless the disposal is permitted under a nationwide permit. In addition, applicants are required to obtain State certification that such actions comply with applicable State effluent limitations, water quality implementation plans, toxic effluent limitations, fish and wildlife protection plans, etc. State certifications may be done either as a part of the COE permit process or independently if no COE permit is required because of a nationwide permit. Projects covered by a nationwide permit require COE notification even though no permit application is required. Field sampling may be required to select proposed dredge disposal sites. Other surveys, including site monitoring, may be required at disposal sites before, during, and after disposal. (See reference (j))

b. **Permit Exemptions.** Projects for which environmental impact statements (EISs) have been written and submitted to Congress and that have specific congressional authorization do not require COE or State permits.

Projects covered by a nationwide general permit require COE notification, but do not require individual permits. However, on a case-by-case basis, some additional individual requirements may be applied by COE or States.

c. **Discharges of Dredged or Fill Material.** Discharges of dredged or fill material into waters under COE jurisdiction will comply with Federal regulations. Disposal by ocean dumping requires a COE permit and compliance with EPA requirements (Chapter 21).

Discharges to waters under the jurisdiction of States will comply with applicable permits and discharge regulations, including State fee schedules.

Disposal site selection may entail field sampling and analyses. Elutriate and/or bioassay testing may be required to determine if the proposed dredged materials should be classed as polluted or unpolluted. Other surveys, including site monitoring, may be required at disposal sites before, during, and after disposal.

7-4.5 In-water Construction. The COE and some States require a permit for any in-water construction. Facilities proposing in-water construction will obtain applicable permits prior to award of construction contracts, and comply with all permit conditions.

7-4.6 Nonpoint Source Control. Nonpoint source discharges must conform to best practicable management procedures defined by Federal, State or local requirements (reference (k)).

7-5 Navy Policy

7-5.1 Pollutant Reduction or Elimination. Navy Policy is to reduce or eliminate pollutants from all sources, including point sources, storm water runoffs, and nonpoint sources.

a. **Point Sources.** Navy policy is to reduce or eliminate wastewater treatment requirements by elimination or reduction of volume and pollutants at point sources.

(1) NOTWs discharging to U.S. waters shall apply for and operate under Federal and/or State discharge permits and shall achieve secondary treatment and other effluent limitations as prescribed by discharge permits.

(2) Discharges to POTWs and NOTWs shall meet all general and applicable categorical pretreatment standards. NOTWs shall develop, implement, and maintain pretreatment programs for all known dischargers to the NOTW.

(3) Operators of Navy collection systems and treatment plants shall meet applicable training and certification requirements of the State, county, city or regional regulatory authority in which the system or plant is located.

Although point sources may be in compliance with a discharge permit at the time of issuance based on existing standards, they are not automatically in compliance with new standards. Where compliance dates are not established for new standards by permit renegotiation, affected sources shall comply with applicable standards within 1 to 3 years, or as specified by EPA or the State at the time of permit issuance.

b. **Storm Water Discharges.** Navy policy requires commands to ensure that all activities comply with storm water management and pollution prevention requirements, as stipulated in permits under which the activities are covered. This includes performing an annual inspection of site to identify areas that contribute to storm water discharges associated with industrial or construction activity and revising storm water pollution prevention plans (SWPPPs), if necessary.

c. **Nonpoint Sources.** Navy policy shall be to reduce pollutants at nonpoint sources. Significant drivers for nonpoint source reductions are programs established for storm water management and TMDLs, and initiatives taken under coastal zone management plans (reference (I)) and watershed management plans.

7-5.2 Dredge and Fill Operations. Navy activities proposing to undertake any action requiring COE permitting shall apply to the COE District Engineer in the district where the proposed action is to be performed.

a. Permits for maintenance dredging shall include a permit expiration date that in no event will extend more than 10 years from the issue date. Requests for renewal from COE shall be filed with the cognizant District Engineer at least 2 years before expiration.

b. Early planning for dredge spoil disposal site selection, preparation, and use is essential. An Environmental Assessment (EA) or an Environmental Impact Statement (EIS) shall be prepared by the sponsoring Navy activity and reviewed under Chapter 2 for each MILCON project involving a change to the width or depth of a channel or other waterbody.

c. Existing dredge spoil disposal sites, approved by COE, shall be used wherever possible. Proposed new dredge spoil disposal sites shall be identified to the cognizant COE District Engineer for evaluation and approval from 2 to 2 1/2 years before project initiation.

7-5.3 In-water Construction. Navy activities shall ensure compliance with appropriate Federal, State, and local regulations.

7-5.4 Water Re-Use. To support water conservation efforts, Navy commands shall ensure that all activities implement water re-use practices to reclaim, recycle and re-use wastewater to the maximum extent feasible, taking into account economic payback, process requirements and the scarcity of water resources available to the primary water supplier for the activity.

7-5.5 Spills. Spills of sewage and hyper-chlorinated water shall be reported through the activity's chain of command. Chapter 10 contains reporting requirements for oil and hazardous substance spills.

7-5.6 Fines and Penalties. There is no waiver of sovereign immunity for fines and penalties in the CWA. This includes EPA imposed penalties, State imposed penalties, local penalties, or any penalties sought by citizens in a citizens suit. Because we cannot pay penalties, we also cannot undertake Supplemental Environmental Projects in lieu of environmental penalties.

Refer to Appendix B for more detailed and specific Navy policy on what actions should be taken upon receipt of any notice of deficiency of Federal, State, interstate, or local environmental control laws or regulations.

7-5.7 Training

a. Every person involved in operations at naval shore facilities which could result in pollution of surface or ground water shall have received environmental overview training specified in Chapter 24 of this instruction; will have received specific comprehensive training in water pollution prevention required by the CWA and implementing regulations; and will be familiar with the provisions of this chapter.

b. COMNAVFACENGCOM environmental professionals, Navy regional environmental coordinators, shore activity technical and legal environmental staff and their managers shall have received environmental overview training specified in Chapter 24 of this instruction, and shall have received introductory or executive overview training in water pollution prevention and coastal zone management.

Wastewater treatment plant operators shall have received environmental awareness training specified in Chapter 24 of this instruction, and shall have received training and certification required by applicable State and local water quality regulations. Where State and/or local regulations do not specify training, the following subjects shall be included in their training plan:

- (1) Basic wastewater plant design,
- (2) Wastewater plant operations,
- (3) Basic maintenance/calibration of plant controls and equipment,
- (4) Wastewater treatment principles,

- (5) Wastewater sampling and analysis, and
- (6) Wastewater plant/systems documentation and reporting requirements.

7-6 Responsibilities

7-6.1 CNO (N45) shall:

- a. Coordinate the implementation of CWA requirements.
- b. Issue policy and guidance as needed.
- c. Act as the assessment sponsor for CWA projects.

7-6.2 COMNAVFACENGCOM shall:

- a. Prepare permit applications for construction and initial operation of MILCON funded projects and pay related fees from the funds appropriated and budgeted for the projects. Provide permit applications to the activity Commanding Officer for submittal to the applicable regulatory agency.
- b. Assist commands, as requested, in preparing permit applications for in-water construction, new dredging, dredge disposal, maintenance dredging, etc.
- c. Assist commands, as requested, in identifying applicable effluent standards and appropriate control technologies and best management practices, and in developing storm water management plans and industrial wastewater management plans.
- d. Coordinate the review of all projects for the construction of new treatment works with the appropriate Federal, State, and local regulatory agencies.
- e. Maintain liaison with COE to facilitate dredge and fill project planning, preparation of EAs/EISs, and disposal site approval.

7-6.3 Regional Environmental Coordinators (RECs) shall:

- a. Provide coordination and assistance to installations within the applicable region regarding implementation of this chapter.
- b. Assist with resolution of issues with States and local regulators.

7-6.4 Major claimants shall:

- a. Implement the CWA program requirements at their shore facilities.
- b. Plan, program, budget and provide funding for current and future requirements under the CWA and revisions to the applicable regulations.

7-6.5 Commanding Officers (CO) of shore activities shall:

- a. Comply with the applicable substantive and procedural Federal, State, local and regional clean water laws and regulations and with the conditions in dredge, disposal, construction, and discharge permit.
- b. Cooperate with Federal, State, local, and regional environmental regulatory officials.
- c. Prepare or review and sign, or designate in writing the appropriate person to sign, all applications for permits to construct wastewater treatment plants, for in-water construction, or for all new dredging, maintenance dredging, and dredge disposal operations; and obtain, renew, and pay for all new and recurring permits.
- d. Operate and maintain NOTWs to ensure continuing compliance with applicable Federal, State, and local regulations and permit conditions.
- e. Coordinate CWA issues and permits with COMNAVFACENGCOM Engineering Field Divisions (EFDs) and Engineering Field Activities (EFAs), with major claimants, and with RECs.
- f. Integrate CWA requirements into all applicable levels of activity management through the application of program management procedures including oversight, inspection, and training, and by requesting and committing sufficient resources to ensure compliance with applicable CWA standards.
- g. Identify and submit environmental compliance projects, per Chapter 1, required to bring wastewater sources into compliance with applicable requirements.
- h. Improve opportunities to recycle and reclaim and reuse wastewater and sludge.
- i. Develop, implement, and maintain current storm water management plans, and comply with Federal, State, and local regulations and permit conditions, as applicable.
- j. Ensure environmental personnel are properly trained (and certified as applicable).
- k. Implement the instructions outlined in Appendix B upon receipt of any Notice of Violation (NOV), Notice of Noncompliance (NON), warning letter, citizen suit notice, warning notice, consent order, or any other such notice of deficiency of Federal, State, interstate, or local environmental control laws or regulations.

7-6.6 CO of host activity that owns, operates or uses sewage and wastewater collection and/or treatment systems shall:

Ensure that applications for applicable Federal, State, and/or local permits are filed, and ensure compliance with all permit conditions.

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7-6.7 CO or Officer In Charge (OIC) of Tenant Activity shall:

Ensure compliance with the policies of this manual and with written sewage and wastewater collection and treatment requirements established by the host CO.